

**ADOPTED REGULATION OF THE  
STATE BOARD OF EDUCATION**

**LCB File No. R015-06**

Effective September 18, 2007

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §1, NRS 385.080 and 392.033.

A REGULATION relating to education; revising provisions governing the transfer of credits earned in homeschool programs; and providing other matters properly relating thereto.

**Section 1.** NAC 389.445 is hereby amended to read as follows:

389.445 1. Except as otherwise provided in subsection 5, a pupil who enrolls in a junior high or middle school for the 1999-2000 school year must earn at least the following units of credit during the seventh and eighth grades for promotion to high school:

- (a) One unit of credit in language with a passing grade; and
- (b) One unit of credit in mathematics with a passing grade.

2. Except as otherwise provided in subsection 5, a pupil who enrolls in a junior high or middle school after the 1999-2000 school year must earn at least the following units of credit during the seventh and eighth grades for promotion to high school:

- (a) One and one-half units of credit in language with a passing grade; and
- (b) One and one-half units of credit in mathematics with a passing grade.

3. A pupil may apply units of credit toward promotion to high school if he earned the units of credit:

- (a) At a public or private junior high or middle school located in this State.

(b) At a public or private junior high or middle school located outside of this State if the school district approves a transfer of the units in accordance with the procedure adopted by the board of trustees of the school district pursuant to subsection 3 of NRS 392.033.

(c) At the Nevada Youth Training Center or the ~~Nevada Girls Training~~ *Caliente Youth Center*.

(d) During summer school in courses offered by a public or private junior high or middle school. Such units must be earned in courses which are equivalent to the courses offered in the programs of the junior high or middle school in which the pupil is enrolled.

*(e) While being homeschooled in this State or homeschooled outside of this State if the school district approves the units in accordance with NRS 392.033.*

4. If a pupil earns units of credit for sectarian religious courses, he may not apply those units toward promotion to high school.

5. A pupil with a disability who is enrolled in a program of special education may be promoted to high school if he meets the requirements for promotion to high school that are prescribed in his individualized educational program.

6. If a pupil transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State, the courses of study and units of credit completed by the pupil before he transferred must be evaluated by the school district that the pupil transfers to in accordance with the procedure adopted by the board of trustees of the school district pursuant to subsection 3 of NRS 392.033.

*7. For purposes of paragraph (a) of subsection 5 of NRS 392.033, the board of trustees of a school district may consider recognition of the programs of homeschool study accredited by the following national or regional accrediting associations:*

- (a) Middle States Association of Colleges and Schools;*
- (b) New England Association of Schools and Colleges;*
- (c) North Central Association of Colleges and Schools;*
- (d) Northwest Association of Accredited Schools;*
- (e) Southern Association of Colleges and Schools;*
- (f) Western Association of Schools and Colleges;*
- (g) Commission on International and Trans-Regional Accreditation; or*
- (h) Any other national or regional accrediting association recognized by the board of trustees of the school district.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION**  
**LCB File No. R015-06**

The State Board of Education adopted regulations assigned LCB File No. R015-06 which pertain to chapter 389 of the Nevada Administrative Code.

**INFORMATIONAL STATEMENT**

1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 200 individuals and educational organizations. A workshop was held on March 24, 2006. There was public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the amendments to NAC 389.445 – Required Units of Credit; Pupils with Disabilities; Pupils Who Transfer Between Schools was sent to approximately 200 individuals and educational organizations. The public hearing was conducted on April 29, 2006 to provide the opportunity for comments by affected parties and the public. There was no public comment. The Nevada State Board of Education/Nevada State Board for Career and Technical Education adopted the proposed amendments to the regulation.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 5; First Hearing: 5; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 1; First Hearing: 0; Second Hearing: N/A
- c) Submitted Written Statements: First Workshop: 0; First Hearing: 0; Second Hearing: 0

A copy of any written comments may be obtained by calling Doris Arnold, Executive Assistant to the Nevada State Board of Education/Nevada State Board for Career and Technical Education, Nevada Department of Education, 775-687-9217, or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

3. A description of how comment was solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.

Comments were solicited through the workshop notice of March 24, 2006; and the public hearing notice of March 24, 2006. At the April 29, 2006 Workshop to Solicit Comments, there was public comments to the proposed amendments to the regulation language. At the April 29, 2006 public hearings there was no public comment to the proposed amendments to the regulation language.

Summary of Comments:

Workshop/Public Hearing Comments:

Workshop comments:

- (a) Kimberlie King-Patraw, Chair of the Southern Nevada Home School Advisory Council, described their concerns with proposed section 3(e). In the first sentence, they recommend a change specifying, “as determined by the school district” be inserted following “equivalent” and the phrase, “and the school district approves the transfer of units” be deleted. This would assure the district makes its determinations based upon fact, not feelings.

Public Hearing comments:

There were no public hearing comments.

A copy of the summary and/or minutes of the public hearing may be obtained by calling Doris Arnold, Executive Assistant to the Nevada State Board of Education/Nevada State Board for Career and Technical Education, Nevada Department of Education, 775-687-9217, or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

4. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.

The Nevada State Board of Education adopted the proposed amendments to the regulation language at the public hearing held April 29, 2006. The reason for adopting the regulation on the transferring of credits earned in home school programs to public junior high or middle schools would clarify for home school parents the acceptable transfer of units.

5. The estimated economic effect of the adopted regulation on the business that it is to regulate and on the public. These must be stated separately and each case must include:

There is no anticipated economic effect of the regulation on the business that the agency regulates and there are no known adverse effects. The amendments are beneficial to home school parents because they define the conditions under which credits earned in home school programs will be transferable public schools. There are no beneficial, immediate and long term affects on the state, school district, and schools

There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

No other state or governmental agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of federal regulations.

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

There are none.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide for a new fee or increase an existing fee.